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June 3, 2004

Mr. James D. Watkins  
Admiral, U.S. Navy (Retired)  
Chairman  
U.S. Commission on Ocean Policy  
1120 20<sup>th</sup> Street, NW  
Suite 1200 North  
Washington, DC 20036

Dear Admiral Watkins:

It was good of you to provide me with a verbal briefing of the U.S. Commission on Ocean Policy Preliminary Report when we visited in Washington, DC. I found our visit a helpful guide in reviewing the report.

I am pleased to forward the State of Alaska's comments on the report. I commend you and the commission for this undertaking. Alaska shares the report's vision for a nationwide Ocean Policy Framework that will produce the environmental results that Alaska has already and will continue to achieve.

- **Alaska's waters and fisheries are a model of the report's vision**

Alaska's comments are offered from a unique perspective. Our shoreline is twice the length of all other states combined, with the largest contiguous offshore ocean mass in the country. Embedded in this tremendous ocean mass are three large distinct marine ecosystems: the Gulf of Alaska, the Eastern Bering Sea, and the Arctic Ocean. Our commercial fisheries produce roughly half the seafood landed in the United States, and the North Pacific Fisheries Management Council is a model cited in the report for its success.

Alaska's oceans are virtually pollution free, productive, and well-managed. Alaska practices what the commission calls a "precautionary approach" and what we refer to as "risk-based decision making" that balances the level of scientific uncertainty, significance, and risk of harm in management decisions. Alaska's risk-based management policies have contributed to the conclusions in the Environmental Protection Agency's 2004 draft report on the condition of the nation's coast that "Alaska's coastal resources are generally in pristine condition. Concentrations of contaminants have been measured at levels significantly lower than those in the rest of the coastal United States."

Alaska depends upon marine transportation and regulates the industry with one of the nation's best oil spill contingency readiness programs. Alaska has implemented interdisciplinary resource management and operates under a comprehensive federal and state pollution control safety net that includes robust water quality standards, land use planning and controls, and coordinated governance and public education. The state's Environmental Monitoring and Assessment Program and Cruise Ship Monitoring Program are just a few of the many programs operating in Alaska that address the environmental monitoring needs described in the report.

- **State sovereignty over coastal waters and uplands must be maintained to implement strategies that achieve national standards but are tailored to unique regional and state conditions**

Alaska's Constitution sets clear natural resource policy for management, public interest, common use, and sustained yield. We are resource-rich and as recognized by the Statehood Act, depend upon that wealth for economic and social stability in our sparsely populated state. It would be unacceptable for any council or board to reduce the state's authority for management of our jurisdictional waters or lands. Our detailed comments strongly suggest changes to the report's treatment of regional ocean councils in order to protect the state's sovereign interests.

From its successful initiatives Alaska has learned an important lesson that is reflected in our detailed comments: resource management requires consistent regulatory programs with standards, authorizations, and enforcement. Resource use or development that compromises environmental quality or sustained yield must be controlled rigorously, whether by limited entry fisheries or upland land use requirements and prohibitions. Non-regulatory and advisory roles are useful, but are meaningless without the implementation enforcement mechanisms that can only come from state or federal government.

The report urges an ecosystem-based management approach linking oceans and coastal activities with watersheds and land use controls. Alaska employs the principles of ecosystem-based management in managing its world-class ocean resources and supports further progress as long as such measures can be implemented in ways that do not erode local and state authorities and are flexible to local conditions.

Common standards for establishing the quality, productivity, and overall health of the nation's oceans are appropriate and necessary. Common environmental standards should ensure that environmental protection is

seamless across state boundaries. Strategies to implement national standards are necessarily site-specific and should be left up to the states as a policy matter. Our recommendations urge a more in-depth analysis and acceptance of important regional differences to ensure that the unique challenges associated with oil development and subsistence whaling on the North Slope of Alaska for example are not forced into solutions more appropriate to the drainage of the Mississippi River system than to Alaska. Alaska must be acknowledged and treated as a separate region.

- **Risk-based management is the link between national standards and state implementation strategies**

Risk-based management provides the flexibility to achieve national standards with state implementation strategies built upon site-specific data and information. The State of Alaska's water quality standards, contaminated site cleanup standards, environmental monitoring priorities, compliance inspection and enforcement priorities, and resource allocation policies are all driven by very conservative environmental protection and sustained yield assumptions that can be adjusted with relevant site-specific data and monitoring information.

Site-specific data collection and monitoring are essential components of risk-based management. In the absence of site-specific information a "one-size-fits-all" management approach should be used to achieve national standards. However, state implementation strategies that apply the best available site-specific information with on-going monitoring are an appropriate alternative to a one-size-fits-all management approach.

- **A new ocean policy framework should utilize existing law, programs and agencies**

The organizational proposals in the report are complex and contemplate new offices, new staff, and new reporting relationships. Because existing state programs can implement strategies to achieve national standards a new federal implementation bureaucracy is not needed. Our experience with other redundant organizations does not convince us that new government structures for centralized federal management produce better environmental or management results than proper utilization and funding of existing programs and agencies. Alaskans recall the disaster of centralized federal management of our salmon stocks when we were a Territory prior to 1959. Federal mismanagement reduced runs in some areas to such a degree that our fishermen imposed limits on themselves.

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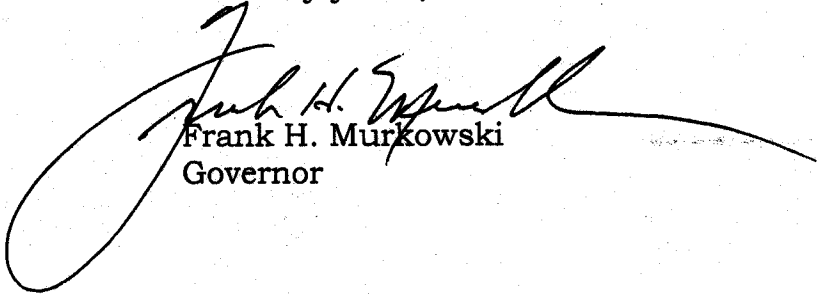
Our resource management success in Alaska has been achieved in large part through the use of traditional state and federal regulatory programs. We have often been disappointed that federal funding for these programs is reduced in favor of new initiatives which are not coordinated with existing programs.

New ocean planning and coordination must not occur at the expense of the workhorse regulatory programs required by the Clean Water Act, Coastal Zone Management Act, Magnuson-Stevens Fishery Conservation and Management Act, National Environmental Policy Act, Oil Pollution Act, and other federal legislation. A renewed federal commitment is needed to fund, strengthen, and improve the coordination of the country's existing pollution control programs that relate to ocean management. Introducing new federal laws, bureaucracy, and budgets is unnecessary, wasteful, and counterproductive.

• **Conclusion**

We look forward to the coastal states playing a lead role implementing the improvements for ocean management outlined in the report. An emphasis on state enforcement mechanisms using risk-based management will strengthen our ability to protect marine ecosystems and manage for success in both environmental protection and resource development. I urge the commission to consider Alaska's comments carefully and pay special attention to our call for affirmation of the states' sovereign role in management of our oceans.

Sincerely yours,



Frank H. Murkowski  
Governor

Enclosures

cc: The Honorable Ted Stevens, United States Senator  
The Honorable Lisa Murkowski, United States Senator  
The Honorable Don Young, United States Representative